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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/407,126	09/27/1999	ROBERT W. BOSSEMEYER JR.	8285/314	2323

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EXAMINER
BORISSOV, IGOR N

ART UNIT	PAPER NUMBER
3629	

DATE MAILED: 03/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/407,126	Applicant(s) BOSSEMEYER ET AL.	
	Examiner Igor Borissov	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *03* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 January 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5-12,14-19 and 21-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5-12,14-19 and 21-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 5-8, 10, 14-17 and 21-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Alcott (US 6,324,273).

Alcott teaches a method and system for ordering a telecommunication service, comprising:

As per claims 1, 10 and 17,

- storing a first data structure which identifies a first party of a telecommunication network and a first telecommunication feature unavailable to the first party (column 2, lines 28-37; column 3, line 41 through column 4, line 4);

- after storing the first data structure, inputting availability data which indicates an availability of the first telecommunication feature to a portion of the

telecommunication network which serves the first party (column 3, line 62 through column 4, line 4);

- processing the first data structure and the availability data to determine that the first telecommunication feature has become available to the first party (column 4, lines 15-25); C. 3. l. 62 ; C.4. l. 5.

- in accordance with the first party having previously inquired about the first telecommunication feature, notifying the first party that the first telecommunication feature has become available to the first party (column 3, line 62 through column 4, line 5; column 5, lines 40-56).

As per claim 5, said method and system, comprising, prior to inputting the availability data: receiving a call from the first party; and informing, in the call, that the first telecommunication feature is unavailable to the first party (column 1, lines 11-33; column 3, line 41 through column 4, line 4).

As per claims 6-7, 14-15 and 21-22, said method and system, wherein the first telecommunication feature comprises a telecommunication service or product (column 1, lines 6-7; column 3, line 41 through column 4, line 4; column 4, lines 15-25).

As per claims 8, 16 and 23, said method and system, wherein the telecommunication network comprises a telephone network (column 1, line 62 through column 2, line 12).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2-3, 9, 11-12 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alcott.

As per claims 2, 11 and 18, Alcott teaches to said method and system except that before inputting the availability data, storing a second data structure which identifies a second party of the telecommunication network and the first telecommunication feature unavailable to the second party.

It would have been an obvious matter of design choice to modify Alcott to include any number of parties of said telecommunication network because it appears that the claimed features does not distinguish the invention over similar features in the prior art, and the teachings of Alcott would perform the invention as claimed by the applicant with any number of parties.

As per claims 3, 12 and 19, Alcott teaches said method and system, comprising, before inputting the availability data, storing a second data structure which identifies a second party of the telecommunication network and a second telecommunication feature unavailable to the second party (column 2, lines 28-37; column 3, line 41 through column 4, line 4);

- processing the second data structure and the availability data to determine that the second telecommunication feature remains unavailable to the second party (column 4, lines 15-25).

As per claim 9, Alcott teaches said method and system, comprising:

- inputting availability data which indicates an availability of the first telecommunication feature to a portion of the telecommunication network which serves the first party but not the third party (column 3, line 62 through column 4, line 4);

- processing the first data structure, the second data structure, the third data structure, and the availability data to determine that the first telecommunication feature has become available to the first party but remains unavailable to the third party (column 4, lines 15-20).

Response to Arguments

Applicant's arguments filed 01/17/03 have been fully considered but they are not persuasive.

In response to the applicant's argument that Alcott fails to show "in accordance with the first party having previously inquired about the first telecommunication feature, notifying the first party that the first telecommunication feature has become available to the first party", the examiner points out that Alcott does show this feature (See: column 3, line 62 through column 4, line 5; column 5, lines 40-56; and discussion above).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see form PTO-892).

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (703) 305-4649.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Weiss, can be reached at (703) 308- 2702.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington D.C. 20231

or faxed to:

(703) 305-7687 [Official communications; including After Final communications labeled "Box AF"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.

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JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600